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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,173

07/14/2003

Edward R. Price

MLF-001

4997

21874 7590 01/24/2007
EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

FADOK, MARK A

ART UNIT

PAPER NUMBER

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/619,173

Applicant(s)

PRICE, EDWARD R.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Response to Amendment***

The examiner is in receipt of applicant's response to office action mailed 6/28/2006, which was received 10/27/2006. Acknowledgement is made to the amendment to claims 1,9 and 17 and the addition of claims 10-29. The examiner has carefully considered applicant's amendment and remarks and finds them persuasive, however, after further searching the following new grounds of rejection modified as necessitated by amendment follows:

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7,9-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellini et al (US 5,974,395) in view of Pemberton et al (US 20030225637).

In regards to claims 1,9 and 17, Bellini discloses a method for providing an extended manufacturing environment (FIG 2), comprising:

receiving, at a manufacturer's server, a communication from a customer of the manufacturer (col 6, line 60-col 7, line 10) ;

automatically processing the communication at the manufacturer's server (col 7, lines 40-50); and

Bellini teaches executing a request from a manufacturer to a supplier in real time (Col 6, lines 10-15), but does not specifically mention that the request is an order for supplies needed at a manufacturer. Pemberton teaches automatically instructing a supplier to supply the required parts (para 0016), it would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Bellini placing the order for the parts when a need arises, because a schedule would not be able to be firmed up unless an order was placed with the second tier supplier (col 3, lines 15-20)

providing the customer in real-time with detailed information about the product as it is being manufactured by the manufacturer (Pemberton, para 0010 and 0014).

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In regards to claims 2 and 10, the combination of Bellini and Pemberton teach wherein the receiving step comprises receiving the communication which comprises an order for the at least one product (col 6, lines 40-50).

In regards to claims 3 and 11, the combination of Bellini and Pemberton teach running a simulation to determine whether the order for the at least one product can be filled by the manufacturer (col 9, lines 10-25).

In regards to claims 4 and 12, the combination of Bellini and Pemberton teach wherein the receiving step comprises receiving the communication which comprises a request to change an existing order for the at least one product (col 6, lines 25-50).

In regards to claims 5 and 13, the combination of Bellini and Pemberton teach running a simulation to determine at least one impact of making the change request (col 6, lines 35-40).

In regards to claims 6 and 14, the combination of Bellini and Pemberton teach wherein the running step comprises running the simulation to determine at least one of a loss of ship date, a surcharge for re-assembling the at least one product, and an unexpected increase in price due to a change in sub-components of the at least one product (col 6, lines 40-50)

In regards to claims 7 and 16, the combination of Bellini and Pemberton teach wherein the receiving step comprises receiving the communication, which comprises a request for supplies (col 8, lines 15-30).

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Claims 8,16 and 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellini et al (US 5,974,395) in view of Pemberton et al (US 20030225637) and further in view of Official Notice.

In regards to claims 8,16 and 18-29, the combination of Bellini and Pemberton teach providing detailed information from various tiers or the supply chain to authorized parties (FIG 2-4, col 5, lines 37-43), but does not specifically mention the specific information contained in the instant claims. The examiner takes official notice that providing manufacturing metrics information through the access of vendor systems such as MRP, ERP, DRP, ect. was old and well known in the art at the time of the invention. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in the combination of Bellini and Pemberton providing these metrics, because this information can provide for visibility to important information for meeting an organization's business needs (col 6, lines 49-51).

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

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P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Fadok

Primary Examiner